

Form #3

2011 JUL 29 PM 3:59

Authorized Signature

FISCAL NOTE FOR PROPOSED RULES

Rule Title: **FEES FOR QUALIFIED INTERPRETERS**

Type of Rule: X Legislative Interpretive Procedural

Agency: **Health and Human Resources**

Address: **WVCDHH**
Capitol Complex Building 6, Room 863
Charleston, WV 25305

Phone Number: **304-558-1031** Email: **Marissa.M.Johnson@wv.gov**

Fiscal Note Summary

Summarize in a clear and concise manner what effect this measure will have on costs and revenues of state government.

The use of sign language interpreters varies considerably among state agencies, as does the actual hourly rate each agency pays each interpreter. There is no central repository for gathering or maintaining this type of information for all state agencies, or even within individual state agencies. Therefore, it is impossible to determine the actual effects this measure will have on the costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

Effect of Proposal	Fiscal Year		
	2011 Increase/Decrease (use "-")	2012 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	Unknown	Unknown	Unknown
Current Expenses	Unknown	Unknown	Unknown
Repairs and Alterations	Unknown	Unknown	Unknown
Equipment	Unknown	Unknown	Unknown
Other	Unknown	Unknown	Unknown
2. Estimated Total Revenues	Unknown	Unknown	Unknown

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Because the fee schedule listed in Legislative Rule 192-01 is a *minimum* hourly rate, each agency may pay individual interpreters as they see fit. Further, it is impossible to determine the number of hours contracted for interpreter services throughout state government. Therefore, the actual fiscal impact of this measure is unknown at this time.

Memorandum

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

It is vital that the interpreter fee schedule be increased to reflect current costs of living and interpreter pay in surrounding states. Many agencies have experienced difficulty in hiring qualified interpreters because the rates paid, according to the fee schedule, are lower than many interpreters will accept. This has a detrimental effect on West Virginia's deaf and hard of hearing citizens and their equal access to employment, medical care, services, programs, and other activities.

Date

Agency

Authorized Representative

11/07/2011

Department of Health and Human Resources

MJ Lewis (JDL)

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 29, 2011

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Commission for the Deaf and Hard of Hearing
Marissa Sanders, Executive Director
1900 Kanawha Blvd. E
Building 6, Room 863
Charleston, WV 25305
304-558-1031

LEGISLATIVE RULE TITLE: ~~FEES FOR QUALIFIED INTERPRETERS (192-01)~~

1. Authorizing statute(s) citation WV Code §5-14A-9

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 30, 2011

b. What other notice, including advertising, did you give of the hearing?
Email notification, announcements at public events.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public Comment Period Ended July 29, 2011

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached 3 Comments No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Marissa Sanders

Executive Director

1900 Kanawha Blvd. E

Building 6, Room 863

Charleston, WV 25305

Phone: 304-558-1031

FAX: 304-558-0937

Email: Marissa.M.Johnson@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached No changes in language to rule as a result of comments received.

Johnson, Marissa M

From: Rllosh [rllosh@aol.com]
Sent: Monday, July 25, 2011 2:32 PM
To: Johnson, Marissa M
Subject: Interpreters

To: Marissa Sanders, Executive Director

From: Ruby Losh

RE: Concerning about interpreters' salaries.

In deaf community of West Virginia, we are desperate to have qualification interpreters for few reasons. Salary is the main reason that interpreters are struggling. The salary in WV Code is outdated and has not risen for over twenty years.

Certificated interpreters deserve to increase their pay to recognize for their hard work to be qualified interpreter in WV.

We also need to enforce interpreters' salary to be equal and standardize. Some interpreters have requested way too much for their qualification. Some interpreters have been billing for same salary for over twenty years since their certificated is at maximum level.

July 26, 2011

To whom it may concern,

I am a Sign Language Interpreter for the Deaf and Hard of Hearing. I recently took a position with a company that provides services for people with various disabilities. I started working as a direct care provider and job coach. However, the need had arisen to provide interpreting services for an individual with hearing loss.

The company stated that they were only able to pay based on the rates established for the state of West Virginia – barely above minimum wage. The pay scale referenced has not been updated for many years and it is NOT acceptable.

Since this has taken place, I have resigned from the company in favor of better-paying employment. Interpreters/Transliterators are required to take years of training and undergraduate education to work in this specialized field, yet we are not treated or paid as the professionals that we were trained to be. Interpreters are bound by a strict Code of Ethics and Professional Conduct, yet we are being paid just above minimum wage. This is not right. I cannot make a living earning the wages stated and yet this service is required to be provided under the Americans with Disabilities Act.

Last but not least, the client I was working with is left with no reasonable means of effective communication with the company they work for. Effective communication is of paramount importance and this must be addressed immediately.

Respectfully yours,

Mark McDonald
Interpreter/Transliterators for the Deaf
Email: aslterpsvc@gmail.com
Phone: (740) 568-8633

Johnson, Marissa M

From: Sara Rose [srose@jcdcworks.com]
Sent: Friday, July 29, 2011 9:46 AM
To: Johnson, Marissa M
Subject: WVCDHH and ASL Interpreter Pay scale issues

To Whom it may concern:

I work for Jackson County Developmental Center, Inc. out of the Parkersburg, WV office. The primary focus of the Vocational Rehabilitation department of JCDC, Inc. is to provide quality support services to individuals with disabilities for the purpose of obtaining and maintaining employment. Recently, a client of the WV Division of Rehabilitation Services was referred to me with a hearing impairment. The reason for this referral was to obtain regular and reasonable employment congruent to the skills he obtained while employed in another state for a number of years. After some collaboration with the client's current employer, it became clear there would be appropriate employment for this individual at his current placement if only there was access to more appropriate methods of communication. With this information and the authorization from the WVDRS, we eagerly anticipated a direct care staff to cross over to vocational rehabilitation and provide ASL interpreting services. With a clear understanding of this unique skill, I began to research appropriate pay scale and the methods of certification for individuals who interpret ASL.

Much to my chagrin, the WV Division of Rehabilitation Services informed me the reimbursement rate for ASL Interpreters who are not certified is only \$8.00 an hour. When taking in to account the financial factors of this situation it may clearly be stated that an Employment Specialist, such as myself, makes approximately 38% of the reimbursement rate determined by the WVDRS in order for our non-profit agency to provide quality services to our clients and benefits to employees. At the reimbursement rates for ASL Interpreters determined by the state JCDC is paying them 112% of the reimbursement rate. Obviously these numbers are not consistent. What is more disturbing, is the fact that our direct care staff and job coaches are paid more on the hour than the State of WV will pay a non-certified ASL Interpreter. According to the Bureau of Labor and Statistics the lowest paid 10% of ASL Interpreters make an average of \$10.65 an hour, the mid range of their income averages to \$19.51 an hour, and the highest 10% are paid an average \$29.76 an hour. There is no specific information about certified or non-certified and its impact on income at this particular website. Further investigation considering cost of living variables indicate most school systems across the nation pay non-certified interpreters \$12.75-\$13.50 an hour. With such a clear difference in pay scale, there is no doubt in my mind the deaf citizens of WV are severely under-served because of the total disregard for this issue.

The end result of my WVDRS client? The direct care worker crossed over to be a job coach with me for about 2 weeks. The job coach interpreted 2 times for the client at our rate of \$9.00 an hour. West Virginia did not reimburse us for his services as an ASL Interpreter. He provided the service because he saw the importance of communication in the client's job. The individual is under-employed, but there has been some progress. His current employer purchased software to aid them in interpreting. The job coach's services were instrumental in developing more appropriate employment for the client and demonstrating how important the communication with this client truly is. However, the ASL Interpreter then chose to discontinue employment with our organization so he could return to school and complete the necessary steps to be certified. Even with that certification, he will be doing well to make \$15.00 an hour in the State of WV with the current rates.

This circumstance is only one of many. JCDC also serves individuals who are recipients of Title XIX Waiver. Due to the lack of support and low reimbursement rates these individuals are unable to take an active part in their Individual Program Plan (IPP) process. We are making great strides in WV to provide quality services to individuals with disabilities, except those who are deaf and hard of hearing. This issue needs immediate attention as there are many professionals providing services and being grossly underpaid. The true question is, "How much longer will these professionals be around to assist us if we aren't reimbursing at a reasonable rate to ensure ADA identified, quality level services?

If you have any questions please do not hesitate to contact me.

Thank you,

Sara Rose

*Employment Specialist for
Jackson County Developmental Center, Inc.*

709 Division St. #4

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**TITLE 192
LEGISLATIVE RULE
WEST VIRGINIA COMMISSION
FOR THE DEAF AND HARD OF HEARING**

**SERIES 1
FEES FOR QUALIFIED INTERPRETERS**

Response to Comments

All comments are in support of the proposed rule. No amendments are needed based on comments received.

**TITLE 192
LEGISLATIVE RULE
WEST VIRGINIA COMMISSION
FOR THE DEAF AND HARD OF HEARING**

**SERIES 1
FEES FOR QUALIFIED INTERPRETERS**

Brief Summary of Proposed Changes

The proposed changes to Legislative Rule 192-01 will align the fee schedule for qualified interpreters with current interpreter qualifications and new legislative rules (i.e., 192-03, Establishment of Required Qualifications and Ethical Standards for Interpreters and Transliterators, filed in 2009), and increase the minimum hourly rate to reflect today's market rates given cost of living increases and higher qualification standards in the interpreting profession.

The West Virginia Commission for the Deaf and Hard of Hearing (WVCDHH) proposes the following changes in summary:

- Adding new interpreter qualifications offered by the National Council on Interpreting, including: NIC, NIC Advanced, and NIC Master;
- Adding interpreter qualifications which will be offered by WVCDHH under Legislative Rule 192-01 including WVRIT Levels I through IV;
- Increasing the minimum hourly rate for all qualification levels, most by \$20 per hour.

The proposed changes to the fee schedule are as follows:

QUALIFIED INTERPRETER LEVEL	MINIMUM HOURLY RATE*
CSC, CT & CI, RSC, CDI-P, SC:L, SC:PA, OIC:C, NAD Level V, <u>NIC Master</u>	\$30.00 <u>\$50.00</u>
CI or CT, NAD Level IV, <u>NIC Advanced</u> , <u>WVRIT Level IV</u>	\$25.00 <u>\$45.00</u>
IC, TC, IC/TC, OIC:S/V, OIC:V/S, NAD Level III, <u>NIC</u> , <u>WVRIT Level III</u>	\$20.00 <u>\$40.00</u>
NAD Level II, <u>WVRIT Level II</u>	\$15.00 <u>\$25.00</u>
NAD Level I, <u>WVRIT Level I</u>	\$10.00 <u>\$20.00</u>
NON-CERTIFIED/NON-SCREENED	\$ 7.00 <u>\$15.00</u>
Assignments on weekends or between 10:00 PM - 7:00 AM	Hourly Rate plus \$3.00 <u>\$5.00</u> per <u>hour</u>
*If an interpreter works an assignment for more than one (1) hour without a team interpreter, then an extra \$5.00 <u>\$10.00</u> shall be added per hour.	

**TITLE 192
LEGISLATIVE RULE
WEST VIRGINIA COMMISSION
FOR THE DEAF AND HARD OF HEARING**

**SERIES 1
FEES FOR QUALIFIED INTERPRETERS**

Statement of Circumstances Which Require This Rule

This rule was originally filed in 1997 and includes a fee schedule for qualified interpreters, pursuant to W. Va. Code §5-14A-9. The minimum hourly rates listed in the fee schedule were accurate in 1997, but are now significantly outdated and do not reflect the cost of living increases nor the advancements in the interpreting profession over the past fifteen years. In addition, the interpreter qualifications listed in the fee schedule have changed in recent years and need to be updated to reflect the qualifications which are currently available. Finally, with the filing of Legislative Rule 192-03 (Establishment of Required Qualifications and Ethical Standards for Interpreters and Translitterators) in 2009, Rule 192-01 needs to be updated to align the fee schedule with the new qualifications and standards. The proposed changes will ensure that interpreters are paid the "reasonable fee" to which they are entitled under W. Va. Code §5-14A-9. These changes will also make interpreting in West Virginia a more attractive profession, helping to address the severe shortage of qualified interpreters available to West Virginia's citizens who are deaf or hard of hearing.

FILE

**TITLE 192
LEGISLATIVE RULE
WEST VIRGINIA COMMISSION
FOR THE DEAF AND HARD OF HEARING**

2011 JUL 29 PM 3: 59

WEST VIRGINIA
SECRETARY OF STATE

**SERIES 1
FEES FOR QUALIFIED INTERPRETERS**

'192-1-1. General.

1.1. Scope. -- This legislative rule establishes fees for the services of qualified interpreters for a deaf person in certain legal proceedings.

1.2. Authority. -- W. Va. Code '5-14A-9.

1.3. Filing Date. -- May 30, 1997.

1.4. Effective Date. -- June 9, 1997.

1.5. Application. -- This rule applies to any court, department, board, commission, agency, licensing authority, political subdivision or municipality of the state which is required under the provisions of W. Va. Code '5-14a-1 et seq. to provide an interpreter in certain legal proceedings for an individual who is deaf.

1.6. Enforcement. -- This rule is enforced by the commissioner of the commission for the deaf and hard of hearing.

'192-1-2. Definitions.

2.1. CDI-P (Certified Deaf Interpreter-Provisional). -- A certification level assigned by the RID to individuals who are deaf or hard of hearing and who have demonstrated a minimum of one (1) year experience working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is deaf or hard of hearing. Provisional certification is valid until one (1) year after the certified deaf interpreter examination is made available. Individuals with provisional certificates are required by the RID to take and pass the certified deaf interpreter examination in order to remain certified as a deaf interpreter. The certified deaf interpreter is designed to replace the RSC which is no longer offered. Individuals with a provisional certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial.

2.2. CI (Certificate of Interpretation). -- A certification level assigned by the RID to individuals who are fully certified interpreters and have demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification. Individuals who have a CI are recommended for a broad range of interpreting assignments.

2.3. CI and CT (Certification of Interpretation and Certificate of Transliteration). -- A certification level assigned by the RID to individuals who have demonstrated competence in both interpretation and transliteration and have the same flexibility of job acceptance as holders of the CSC. Holders of the CI and CT

can be used for a broad range of interpretation and transliteration assignments.

2.4. Commission. -- West Virginia commission for the deaf and hard of hearing.

2.5. Commissioner. -- The commissioner of the commission for the deaf and hard of hearing.

2.6. CSC (Comprehensive Skills Certificate). -- A certification level assigned by the RID to individuals who have demonstrated the ability to interpret between American Sign Language and spoken English and to transliterate between spoken English and an English-based sign language. The CI and CT are replacements for the CSC. The CSC examination was offered until 1995. Individuals who have a CSC can be used for a broad range of interpreting and transliterating assignments.

2.7. CT (Certificate of Transliteration). -- A certification level assigned by the RID to individuals who are fully certified in transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification. Individuals who have a CT can be used for a broad range of transliteration assignments.

2.8. Deaf. -- The hearing of an individual is nonfunctional for the ordinary purposes of life.

2.9. IC (Interpretation Certificate). -- A partial certification level assigned by the RID to individuals who have demonstrated the ability to transliterate between American Sign Language and spoken English. Individuals who have an IC received scores on the CSC examination which prevented the awarding of full CSC certification or partial IC/TC certification. (The IC is no longer offered by the RID.)

2.10. IC/TC (Interpretation/Transliteration Certificate). -- A partial certification level assigned by the RID to individuals who have demonstrated ability to transliterate between English and a signed code for English, and the ability to interpret between American Sign Language and spoken English. Individuals who have an IC received scores on the CSC examination which prevented the awarding of full CSC certification. (The IC/TC is no longer offered by the RID.)

2.11. Level I (Novice). --The NAD certification level for a novice interpreter who has good and clear signing skills, but may not know the appropriate sign for everything needed. The interpreter might finger spell more than is necessary, might demonstrate considerable lag time, express deletions to keep up with interpreting and/or have difficulty in sign-to-voice situations.

2.12. Level II (Intermediate). -- The NAD certification level for an intermediate interpreter who has more skills in interpreting than a novice interpreter. In comparison to a Level I interpreter the Level II interpreter might demonstrate a larger sign vocabulary and use considerably less fingerspelling. The Level II interpreter might keep up a bit better, but might still lag behind farther than is comfortable, deleting more than is acceptable. The Level II interpreter might do well voice-to-sign, but clearly show difficulty in sign-to-voice. The interpreter demonstrates skills that would be adequate for some one-to-one interpreting situations.

2.13. Level III (Generalist). -- The NAD certification level for a generalist interpreter.--The Level III interpreter has a good sign vocabulary but might have some problems in sign-to-voice.

2.14. Level IV (Advanced). -- The NAD certification level for an advanced interpreter who does very well in voice-to-sign interpretation and demonstrates little difficulty in sign-to-voice interpretation. The Level IV interpreter might demonstrate oddities in sign style and choice of signs used but demonstrates the skill necessary for just about any interpreting situation.

2.15. Level V (Master). --The NAD certification level for a master interpreter who very rarely demonstrates difficulty in any interpreting situation.

2.16. NAD. -- National Association of the Deaf.

2.17. Non-Certified/Non-Screened. -- Interpreters who are learning sign language and not yet certified or licenced.

2.18. OIC:C (Oral Interpreting Certification: Comprehensive). -- A certification level assigned by the RID to individuals who demonstrate the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard of hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard of hearing. (The OIC:C is no longer offered by the RID.)

2.19. OIC:S/V (Oral Interpreting Certificate: Spoken to Visible). --A partial certification level assigned by the RID to individuals who have demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard of hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. The OIC:S/V is no longer offered.

2.20. OIC:V/S (Oral Interpreting Certificate: Visible to Spoken). -- A partial certification level assigned by the RID to individuals who have demonstrated the ability to understand the speech and silent mouth movements of a person who is deaf or hard of hearing and to repeat the message for a hearing person. An individual with an OIC:V/S certificate received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. (The OIC:V/S is no longer offered by the RID.)

2.21. Qualified Interpreter. -- An interpreter certified by NAD or RID, or,, an interpreter whose qualifications are otherwise demonstrated and accepted by the commissioner as proving a level of interpretative skills suitable to the situation and the individual using the interpretive services.

2.22. RID. -- Registry of Interpreters for the Deaf.

2.23. RSC (Reverse Skills Certificate). -- A certification level assigned by the RID to individuals who have demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English. Individuals with an RSC certificate are deaf or hard of hearing and under interpretation/transliteration is rendered in American Sign Language, spoken English, a signed code for English or written English. Holders of the RSC are recommended for a broad range of interpreting assignments where the use of an interpreter who is deaf or hard of hearing would be beneficial. (The RID no longer offers an RSC and is developing standards for a replacement CDI certificate.)

2.24. SC:L (Specialist Certificate: Legal). -- A certification level assigned by the RID to individuals who have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience are prerequisites for this certificate. Holders of an SC:L can be used for a broad range of assignments in a legal setting.

2.25. SC:PA (Specialist Certificate: Performing Arts). -- A certification level assigned by the RID to individuals who have demonstrated specialized knowledge in performing arts interpretation. Individuals with an SC:PA can be used in a broad range of assignments in the performing arts. (The SC:PA is no longer offered by the RID.)

2.26. TC (Transliteration Certificate). -- A partial certification level assigned by the RID to individuals who have demonstrated the ability to transliterate between spoken English and a signed code for English. Individuals with a TC received scores on the CSC examination which prevented the awarding of full CSC certification or IC/TC certification. (The TC is no longer offered by the RID.)

192-1-3. Fees Established.

3.1. Each interpreting assignment and interpreter=s experience is different, and fees may vary. The appointing authority and interpreters are encouraged to agree on terms prior to the interpreting assignment.

3.2. The minimum hourly rates for various classes of interpreters are set forth in Table 192-1-A of this rule.

3.3. The total fee shall be determined based on the following:

3.3.1. Interpreters shall be paid for a minimum of two (2) hours regardless of the actual time required for the assignment;

3.3.2. Time spent over two (2) hours shall be paid in quarter (3) hour increments, rounded to the nearest fifteen (15) minutes;

3.3.3. Travel time shall be included as part of the minimum two (2) hours, but shall be counted separately if the total time required for the assignment exceeds two (2) hours;

3.3.4. The fee for an interpreter shall include reimbursement for reasonable and necessary expenses incurred, such as mileage, lodging and meals according to the usual and customary standards of the appointing agency;

3.3.5. Interpreters shall provide the appointing authority with an advance estimate of travel time and other anticipated expenditures;

3.3.6. The appointing authority shall provide an estimate of the time required for the assignment and shall specify a methodology for determining the additional time required by the assignment;

3.3.7. If the appointing authority cancels the assignment at least twenty-four (24) hours prior to the scheduled time, and the estimated time for the assignment is no more than one (1) day, then the appointing authority is not required to pay a fee;

3.3.8. If the appointing authority cancels the assignment less than twenty-four (24) hours prior to the scheduled time, and the estimated time for the assignment is no more than one (1) day, then the appointing authority shall pay the interpreter fifty percent (50%) of the anticipated total fee;

3.3.9. If the appointing authority cancels the assignment on the day of the assignment and the estimated time for the assignment is no more than one (1) day, then the appointing authority shall pay the interpreter one hundred percent (100%) of the anticipated total fee;

3.3.10. If the appointing authority cancels the assignment at least forty-eight (48) hours prior to the scheduled starting time of the assignment and the estimated time for the assignment is for more than one (1) day, then the appointing authority is not required to pay the interpreter;

3.3.11. If the appointing authority cancels the assignment at least twenty-four to forty-eight (24-48) hours prior to the scheduled starting time of the assignment and the estimated time for the assignment is for more than one (1) day, then the appointing authority shall pay the interpreter fifty percent (50%) of the anticipated total fee;

3.3.12. If the appointing authority cancels the assignment less than twenty-four (24) hours prior to the scheduled starting time of the assignment, and the estimated time for the assignment is for more than one (1) day, then the appointing authority shall pay the interpreter one hundred percent (100%) of the anticipated total fee;

3.3.13. If the client does not appear (No show), and the interpreting assignment is scheduled for two (2) hours or less, Section 3.3.1 of this rule applies;

3.3.14. If the client does not appear (No show), and the interpreting assignment is scheduled for more than two (2) hours, Sections 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.11 and 3.3.12 of this rule apply;

3.3.15. For day-long conferences and long meetings, the appointing authority shall have more than one (1) interpreter available and shall alternate interpreters every twenty to thirty (20-30) minutes in order to promote effective interpretation and protection of interpreters from the development of physical problems such as carpal tunnel syndrome.- The appointing authority shall pay each interpreter for the entire time required by the assignment;

3.3.16. Interpreters with an NAD of Level III, IV, or V certificate or an RID CSC or CI/CT certificate shall be used in legal and mental health settings due to the intense nature of the assignment, and shall be paid accordingly;

3.3.17. Interpreters with an RID RSC or CDI-P certificate shall be used in legal and mental health settings when the deaf consumer does not demonstrate fluency in American Sign Language or a signed system; and

3.3.18. An educational interpreter shall receive two (2) weeks of severance pay if the student for whom he or she interprets drops out, unless the interpreter is reassigned to another student.

' 192-1-4. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule who desire a contested case hearing to determine any rights, duties, interests, or privileges, shall do so in a manner prescribed in W. Va. Division of Health Procedural Rules, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1.

Table 192-1-A. Minimum Fees.

QUALIFIED INTERPRETER LEVEL	MINIMUM HOURLY RATE*
CSC, CT & CI, RSC, CDI-P, SC:L, SC:PA, OIC:C, NAD Level V, <u>NIC Master</u>	\$30.00 <u>\$50.00</u>
CI or CT, NAD Level IV, <u>NIC Advanced, WVRIT Level IV</u>	\$25.00 <u>\$45.00</u>
IC, TC, IC/TC, OIC:S/V, OIC:V/S, NAD Level III, <u>NIC, WVRIT Level III</u>	\$20.00 <u>\$40.00</u>
NAD Level II, <u>WVRIT Level II</u>	\$15.00 <u>\$25.00</u>
NAD Level I, <u>WVRIT Level I</u>	\$10.00 <u>\$20.00</u>
NON-CERTIFIED/NON-SCREENED	\$7.00 <u>\$15.00</u>
Assignments on weekends or between 10:00 PM - 7:00 AM	Hourly Rate plus \$3.00 <u>\$5.00</u> per <u>hour</u>
*If an interpreter works an assignment for more than one (1) hour without a team interpreter, then an extra \$5.00 <u>\$10.00</u> shall be added per hour.	